

ASSEMBLY BILL

No. 380

Introduced by Assembly Member Wright

February 11, 1999

An act to amend Sections 685.020 and 695.211 of, and to add Section 695.212 to, the Code of Civil Procedure, to amend Sections 3652, 3653, 3654, 4724, and 7642 of, to amend the heading of Chapter 6 (commencing with Section 3650) of Part 1 of Division 9 of, to add Sections 3651.5 and 7645 to, and to add Article 4 (commencing with Section 3690) to Chapter 6 of Part 1 of Division 9 of, the Family Code, to add Section 166.5 to the Penal Code, and to add Sections 11350.01, 11350.61, 11350.63, 11350.85, 11356.5, 11358, 11475.17, and 11478.3 to the Welfare and Institutions Code, relating to support orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 380, as introduced, R. Wright. Support orders: modification: set aside: enforcement.

(1) Existing law provides that, if a money judgment is payable in installments, interest commences to accrue as to each installment on the date the installment becomes due.

This bill would provide that, with respect to a money judgment or order for child support, interest shall not commence to accrue on any installment until the support obligor has actual notice of the judgment or order for support, as specified, or has been served with notice of an earnings assignment or withholding order or with notice of levy on his or her assets. The bill would also prohibit the accrual of interest on any installments of child support while the support

obligor is incarcerated in a jail or correctional facility and would provide procedures for providing notice, determining arrearages, and recalculating arrearages in accordance with this provision.

(2) Existing law establishes procedures and time limits for granting a party relief from a default, judgment, dismissal, or other order on specified grounds in any civil action and for granting a party relief from a judgment, or any part thereof, on specified grounds in proceedings for dissolution or nullity of marriage or legal separation of the parties. Existing law also provides procedures for the modification or termination of child, family, and spousal support orders and the modification of orders determining the existence or nonexistence of the father and child relationship.

This bill would authorize the court to set aside a support order, or any part thereof, or an order determining paternity, on the grounds of fraud, perjury, lack of actual notice, or the interests of justice, as specified. It also would establish procedures and time limits therefor.

(3) Under existing law, in proceedings in which child support is ordered to be paid to a parent receiving welfare moneys, the court is required, among other things, to direct the district attorney to appear on behalf of the welfare recipient in any enforcement proceedings.

This bill would provide that in any case where a parent has requested or is receiving support enforcement services of the district attorney, the district attorney shall accept service on behalf of the parent in any proceedings to modify, terminate, or set aside the support order. The bill would also require any notice of support delinquency issued by a governmental agency to state the date on which the delinquency was calculated.

(4) Existing law authorizes a child support obligee to file and serve a notice of delinquency if the support obligation is more than 30 days in arrears, and authorizes the court to, among other things, assess specified penalties if the arrearage remains unpaid more than 30 days after the notice of delinquency is served. Existing law provides that the notice of delinquency may be served personally, by certified mail, or in any manner provided for service of summons.



This bill would limit the means of service of the notice of delinquency to personal service or certified mail with return receipt.

(5) In proceedings against an individual for failure to sufficiently provide for the support of his or her children or spouse, existing law authorizes the court to suspend the proceedings or sentence, at specified times in the proceedings, if the defendant enters into an undertaking conditioned upon the defendant paying support, as specified.

This bill would authorize the court, at those specified times in the proceedings and upon similar conditions, to suspend the proceedings or sentence in a contempt action against an individual for failure to comply with a court order for payment of child, family, or spousal support.

(6) Existing law declares that, if a family is granted aid under the CalWORKS program as a result of the absence of a parent from the family home, the noncustodial parent shall reimburse the county for specified amounts of unpaid support.

This bill would require the county to promptly notify the noncustodial parent that aid has been granted and that support reimbursement is required.

(7) Existing law requires the district attorney, in specified child support cases, to provide to the Department of Social Services a list of persons who are not in compliance with a support order or judgment; which list is then provided by the department to all state boards that issue licenses, as defined, for the purpose of withholding issuance or renewal of any license to any person named on the list, until a release is issued by the district attorney. If a license applicant believes his or her name should be deleted from the list, existing law specifies procedures for judicial review of that issue in the superior court.

This bill would require licensing boards to process releases within 2 days after receipt and require that the judicial review be conducted by the municipal court, in counties in which there is a municipal court, if specified criminal proceedings are pending against the applicant in that court at the time review is sought.

(8) Existing law provides that an action may be brought by the district attorney to obtain or enforce a child support obligation on behalf of a parent who has requested or is receiving support enforcement services of the district attorney. In those actions, a default judgment may be entered against a defendant that fails to answer or otherwise appear within a specified time. Existing law also provides that when a parent makes an application for child support services, the applicant shall provide the district attorney with a statement of arrearages, if any are owed. Existing law provides procedures for the district attorney to review the amount of arrearages alleged in that statement.

This bill would establish, as of a specified date, procedures and remedies if a person claims that a default judgment has been entered or enforcement actions have been taken against him or her in error due to mistaken identity, as specified. Filing a false claim of mistaken identity would be punishable as a misdemeanor. If the district attorney rejects a person's claim of mistaken identity, or fails to provide the remedies specified, the bill would provide that the person would be entitled to file a court action to recover actual damages, attorneys' fees and costs, and any other relief as the court deems just.

(9) The bill would declare that the act shall be referred to as the Child Support Enforcement Fairness Act of 2000 and would make related findings and declarations.

(10) Because this bill would create a new crime and would impose new duties on local personnel, it would create a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.



With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be referred to as the
2 Child Support Enforcement Fairness Act of 2000.
3 (b) The Legislature finds and declares as follows:
4 (1) The efficient and fair enforcement of child support
5 orders is essential to ensuring compliance with those
6 orders and respect for the administration of justice.
7 (2) A large number of child support orders are
8 obtained by a default judgment. In one study by the
9 Judicial Council, more than 70 percent of all child support
10 orders studied were obtained by default judgment. Very
11 often, by the time a support obligor receives actual notice
12 of the support order, the accumulated amount of
13 arrearages totals several thousands of dollars. Those
14 amounts, particularly for a low wage earner, are an
15 instant obstacle to good faith compliance. Ensuring
16 prompt, actual notice of a child support obligation will
17 prevent the accumulation of large amounts of arrearages
18 and encourage greater timely compliance.
19 (3) Thousands of individuals each year are mistakenly
20 identified as the defendant in child support actions. Assets
21 are seized, family relationships are destroyed, and the
22 ability to earn a living is severely impaired. It is the moral,
23 legal, and ethical obligation of all enforcement agencies
24 to take prompt action to recognize those cases where a
25 person is mistakenly identified as a support obligor in
26 order to minimize the harm and correct any injustice to
27 that person.
28 SEC. 2. Section 685.020 of the Code of Civil Procedure
29 is amended to read:

1 685.020. (a) Except as provided in subdivision (b)
2 *and in Sections 695.211 and 695.212*, interest commences
3 to accrue on a money judgment on the date of entry of the
4 judgment.

5 (b) Unless the judgment otherwise provides, if a
6 money judgment is payable in installments, interest
7 commences to accrue as to each installment on the date
8 the installment becomes due.

9 SEC. 3. Section 695.211 of the Code of Civil Procedure
10 is amended to read:

11 695.211. (a) Every money judgment or order for
12 child support shall provide notice that interest on
13 arrearages accrues at the legal rate *commencing, as to*
14 *each installment, on the date the installment becomes*
15 *due. The judgment or order shall also provide notice that,*
16 *notwithstanding the foregoing, interest shall not*
17 *commence to accrue on any installment of child support*
18 *until the support obligor (1) has actual notice, by personal*
19 *service or by certified mail with return receipt required,*
20 *that the judgment or order for child support has been*
21 *entered, (2) has been served with notice of levy on his or*
22 *her assets pursuant to Section 11350.7 of the Welfare and*
23 *Institutions Code, or (3) has been served with notice of*
24 *an earnings assignment order pursuant to Section 5234 of*
25 *the Family Code or an earning withholding order for*
26 *support pursuant to Section 706.030.*

27 (b) The notice provisions required by this section shall
28 be incorporated in the appropriate Judicial Council
29 forms.

30 (c) Upon implementation of the Statewide
31 Automated Child Support System (SACSS) prescribed in
32 Section 10815 of the Welfare and Institutions Code and
33 certification of the SACSS by the United States
34 Department of Health and Human Services, whenever a
35 statement of account is issued by the district attorney in
36 any child support action, the statement shall include a
37 statement of an amount of current support, arrears, and
38 interest due.

39 SEC. 4. Section 695.212 is added to the Code of Civil
40 Procedure, to read:

695.212. (a) Notwithstanding subdivision (a) of Section 695.211, no interest shall accrue on any installments of child support for any period of time during which the support obligor is incarcerated in any jail or correctional facility. This section shall be applicable to all installments of child support that become due on or after the effective date of this section, irrespective of the date of the judgment or order.

(b) Upon the entry of a prisoner into any jail or correctional facility, the prisoner shall be advised of the provisions of this section and the prisoner's right, under Section 11350.85 of the Welfare and Institutions Code, to have any child support obligations recalculated, if necessary to comply with this section.

SEC. 5. The heading of Chapter 6 (commencing with Section 3650) of Part 1 of Division 9 of the Family Code is amended to read:

CHAPTER 6. MODIFICATION ~~OR~~, TERMINATION, *OR SET*
ASIDE OF SUPPORT *ORDERS*

SEC. 6. Section 3651.5 is added to the Family Code, to read:

3651.5. In any case where a parent has requested or is receiving support enforcement services of the district attorney, the district attorney shall accept service on behalf of that parent in any proceeding pursuant to this chapter.

SEC. 7. Section 3652 of the Family Code is amended to read:

3652. Except as against a governmental agency, an order modifying ~~or~~ terminating, *or setting aside* a ~~child~~ support order may include an award of attorney's fees and court costs to the prevailing party.

SEC. 8. Section 3653 of the Family Code is amended to read:

3653. (a) An order modifying ~~or~~ terminating, *or setting aside* a support order may be made retroactive to the date of the filing of the notice of motion or order to show cause to modify ~~or~~ terminate, *or set aside*, or to any

1 subsequent date, except as provided in subdivision (b) or
2 by federal law (42 U.S.C. Sec. 666(a)(9)).

3 (b) If an order modifying or terminating a support
4 order is entered due to the unemployment of either the
5 support obligor or the support obligee, the order shall be
6 made retroactive to the later of the date of the service on
7 the opposing party of the notice of motion or order to
8 show cause to modify or terminate or the date of
9 unemployment, subject to the notice requirements of
10 federal law (42 U.S.C. Sec. 666(a)(9)), unless the court
11 finds good cause not to make the order retroactive and
12 states its reasons on the record.

13 (c) If an order decreasing or terminating a support
14 order is entered retroactively pursuant to this section, the
15 support obligor shall nevertheless not be entitled to, and
16 the support obligee shall have no obligation to repay, any
17 amounts previously paid by the support obligor pursuant
18 to the prior order that are in excess of the amounts due
19 pursuant to the retroactive order.

20 SEC. 9. Section 3654 of the Family Code is amended
21 to read:

22 3654. At the request of either party, an order
23 modifying ~~or~~ terminating, *or setting aside* a ~~spousal~~
24 support order shall include a statement of decision.

25 SEC. 10. Article 4 (commencing with Section 3690) is
26 added to Chapter 6 of Part 1 of Division 9 of the Family
27 Code, to read:

28

29 Article 4. Relief From Orders

30

31 3690. (a) The court may, on any terms that may be
32 just, relieve a party from a support order, or any part or
33 parts thereof, after the six-month time limit of Section 473
34 of the Code of Civil Procedure has run, based on the
35 grounds, and within the time limits, provided in this
36 article.

37 (b) In all proceedings under this division, before
38 granting relief, the court shall find that the facts alleged
39 as the grounds for relief materially affected the original



1 order and that the moving party would materially benefit
2 from the granting of the relief.

3 (c) Nothing in this article shall limit or modify the
4 provisions of Section 11356 of the Welfare and Institutions
5 Code.

6 3691. The grounds and time limits for an action or
7 motion to set aside a support order, or any part or parts
8 thereof, are governed by this section and shall be one of
9 the following:

10 (a) Actual fraud. Where the defrauded party was kept
11 in ignorance or in some other manner, other than his or
12 her own lack of care or attention, was fraudulently
13 prevented from fully participating in the proceeding. An
14 action or motion based on fraud shall be brought within
15 one year after the date on which the complaining party
16 discovered the fraud.

17 (b) Perjury. An action or motion based on perjury shall
18 be brought within one year after the date on which the
19 complaining party discovered the perjury.

20 (c) Lack of Actual Notice.

21 (1) When service of a summons has not resulted in
22 actual notice to a party in time to defend the action for
23 support and a default or default judgment has been
24 entered against him or her in the action, he or she may
25 serve and file a notice of motion to set aside the default
26 and for leave to defend the action. The notice of motion
27 shall be served and filed within a reasonable time, but in
28 no event later than six months after the party obtains
29 actual notice (A) of the support order, or (B) that the
30 party's assets are subject to attachment pursuant to the
31 order.

32 (2) A notice of motion to set aside a support order
33 pursuant to this subdivision shall be accompanied by an
34 affidavit showing, under oath, that the party's lack of
35 actual notice in time to defend the action was not caused
36 by his or her avoidance of service or inexcusable neglect.
37 The party shall serve and file with the notice a copy of the
38 answer, motion, or other pleading proposed to be filed in
39 the action.

1 (d) Interests of Justice. An action or motion to set aside
2 a support order may be granted if the court finds, based
3 on substantial evidence, that the interests of justice
4 compel the granting of relief. An action or motion based
5 on these grounds must be brought within six months
6 following the occurrence of the events or the discovery
7 of the facts that are alleged to compel the granting of
8 relief.

9 3692. Notwithstanding any other provision of this
10 article, or any other law, a support order may not be set
11 aside simply because the court finds that it was
12 inequitable when made, nor simply because subsequent
13 circumstances caused the support ordered to become
14 excessive or inadequate.

15 3693. When ruling on an action or motion to set aside
16 a support order, the court shall set aside only those
17 provisions materially affected by the circumstances
18 leading to the court's decision to grant relief. However,
19 the court has discretion to set aside the entire order, if
20 necessary, for equitable considerations.

21 SEC. 11. Section 4724 of the Family Code is amended
22 to read:

23 4724. The notice of delinquency ~~may~~ *shall* be served
24 personally or by certified mail ~~or in any manner provided~~
25 ~~for service of summons, requiring a return receipt.~~

26 SEC. 12. Section 7642 of the Family Code is amended
27 to read:

28 7642. The court has continuing jurisdiction to modify
29 *or set aside* a judgment or order made under this part. A
30 judgment or order relating to an adoption may only be
31 modified *or set aside* in the same manner and under the
32 same conditions as an order of adoption may be modified
33 *or set aside* under Section 9100 or 9102.

34 SEC. 13. Section 7645 is added to the Family Code, to
35 read:

36 7645. (a) The court may, on any terms that may be
37 just, relieve a party from an order made under this article,
38 after the six-month time limit of Section 473 of the Code
39 of Civil Procedure has run, based on the grounds, and
40 within the time limits, provided in this section.



1 (b) Before granting relief, the court shall find that the
2 facts alleged as the grounds for relief materially affected
3 the original order.

4 (c) The grounds and time limits for a motion to set
5 aside an order made under this part shall be one of the
6 following:

7 (1) Actual fraud. Where the defrauded party was kept
8 in ignorance or in some other manner, other than his or
9 her own lack of care or attention, was fraudulently
10 prevented from fully participating in the proceeding. An
11 action or motion based on fraud shall be brought within
12 one year after the date on which the complaining party
13 either did discover, or should have discovered, the fraud.

14 (2) Perjury. An action or motion based on perjury shall
15 be brought within one year after the date on which the
16 complaining party either did discover, or should have
17 discovered, the perjury.

18 (3) Lack of Actual Notice.

19 (A) When service of a summons has not resulted in
20 actual notice to a party in time defend the action or
21 motion and default or default judgment has been entered
22 against him or her in the action, he or she may serve and
23 file a notice of motion to set aside the default and for leave
24 to defend the action. The notice of motion shall be served
25 and filed within a reasonable time, but in no event later
26 than six months after the party obtains actual notice of the
27 order.

28 (B) A notice of motion to set aside an order under this
29 paragraph shall be accompanied by an affidavit showing
30 under oath that the party's lack of actual notice in time
31 to defend the action was not caused by his or her
32 avoidance of service or inexcusable neglect. The party
33 shall serve and file with the notice a copy of the answer,
34 motion, or other pleading proposed to be filed in the
35 action.

36 (4) Interests of Justice. An action or motion to set aside
37 an order under this article may be granted if the court
38 finds, based on substantial evidence, that the interests of
39 justice compel the granting of relief. An action or motion
40 based on these grounds must be brought within six

1 months following the occurrence of the events or the
2 discovery of the facts that are alleged to compel the
3 granting of relief.

4 SEC. 14. Section 166.5 is added to the Penal Code, to
5 read:

6 166.5. (a) After arrest and before plea or trial or after
7 conviction or plea of guilty and before sentence under
8 paragraph (4) of subdivision (a) of Section 166, for willful
9 disobedience of any order for child, spousal, or family
10 support issued pursuant to Division 9 (commencing with
11 Section 3500) of the Family Code, the court may suspend
12 proceedings or sentence therein if:

13 (1) The defendant appears before the court and
14 affirms his or her obligation to pay to the person having
15 custody of the child, or the spouse, that sum per month
16 as shall have been previously fixed by the court in order
17 to provide for the minor child or the spouse.

18 (2) The defendant provides a bond or other
19 undertaking with sufficient sureties to the people of the
20 State of California in a sum as the court may fix to secure
21 the defendant's performance of his or her support
22 obligations and that bond or undertaking is valid and
23 binding for two years, or any lesser time that the court
24 shall fix.

25 (b) Upon the failure of the defendant to comply with
26 the terms of the bond or undertaking described in
27 subdivision (a), the defendant may be ordered to appear
28 before the court and show cause why further proceedings
29 should not be had in the action or why sentence should
30 not be imposed, whereupon the court may proceed with
31 the action, or pass sentence, or for good cause shown may
32 modify the order and take a new bond or undertaking and
33 further suspend proceedings or sentence for a like period.

34 SEC. 15. Section 11350.01 is added to the Welfare and
35 Institutions Code, to read:

36 11350.01. In any case of a continued absence of a
37 parent from the home, as described in subdivision (c) of
38 Section 11250, that results in aid under this chapter being
39 granted to the family, the county welfare department
40 shall promptly notify the noncustodial parent or parents,

1 at the parent's last known address, that aid has been
2 granted and that the noncustodial parent or parents shall
3 be obligated to the county for the amounts specified in
4 Section 11350.

5 SEC. 16. Section 11350.61 is added to the Welfare and
6 Institutions Code, to read:

7 11350.61. The order to show cause or notice of motion
8 described in subdivision (j) of Section 11350.6 shall be
9 filed and heard in the superior court. If, however,
10 criminal proceedings pursuant to paragraph (4) of
11 subdivision (a) of Section 166 of the Penal Code, relating
12 to a support order, or pursuant to Section 270 of the Penal
13 Code are pending against the applicant in the municipal
14 court, in a county in which there is a municipal court, the
15 order to show cause or notice of motion shall be filed and
16 heard in that court.

17 SEC. 17. Section 11350.63 is added to the Welfare and
18 Institutions Code, to read:

19 11350.63. Any board that has received a release
20 pursuant to Section 11350.6 shall process the release
21 within two business days after receipt.

22 SEC. 18. Section 11350.85 is added to the Welfare and
23 Institutions Code, to read:

24 11350.85. (a) In conducting the review of the
25 statement of arrearages described in Section 11350.8, the
26 district attorney shall make reasonable efforts to
27 determine if the support obligor is incarcerated in any jail
28 or correctional facility. The statement of arrearages
29 provided by the applicant for child support services
30 described in Section 11350.9 shall contain a statement
31 whether, to the best of the applicant's knowledge, the
32 support obligor is incarcerated in any jail or correctional
33 facility.

34 (b) If it is determined that the support obligor is
35 incarcerated in any jail or correctional facility, any
36 accrued interest on the support arrearages shall be
37 calculated, or adjusted, according to Section 695.212 of
38 the Code of Civil Procedure.

39 (c) The district attorney shall provide a simplified
40 form to enable a support obligor who is incarcerated in a

1 jail or correctional facility to request a recalculation of his
2 or her support arrearages based on Section 695.212 of the
3 Code of Civil Procedure.

4 (d) If the district attorney determines that the support
5 obligor is entitled to a reduction in the amount of support
6 arrearages based on Section 695.212 of the Code of Civil
7 Procedure, the district attorney shall, on its own motion,
8 obtain an order of the court making that adjustment.

9 SEC. 19. Section 11356.5 is added to the Welfare and
10 Institutions Code, to read:

11 11356.5. In any action in which a judgment or order
12 for support was entered after the entry of the default of
13 the defendant under Section 11355, the court shall relieve
14 the defendant from that judgment or order if the
15 defendant establishes that he or she was mistakenly
16 identified in the order or in any subsequent documents
17 or proceedings as the person having an obligation to
18 provide support. The defendant shall also be entitled to
19 the remedies specified in subdivisions (d) and (e) of
20 Section 11358 with respect to any actions taken to enforce
21 that judgment or order.

22 SEC. 20. Section 11358 is added to the Welfare and
23 Institutions Code, to read:

24 11358. (a) Notwithstanding any other provision of
25 law, this section shall apply to any actions taken to enforce
26 a judgment or order for support entered as a result of
27 action filed by the district attorney pursuant to Section
28 11350, 11250.1, or 11475.1, where it is alleged that the
29 enforcement actions have been taken in error against a
30 person who is not the support obligor named in the
31 judgment or order.

32 (b) Any person claiming that any support
33 enforcement actions have been taken against that person,
34 or his or her wages or assets, in error, shall file a claim of
35 mistaken identity with the district attorney. The claim
36 shall include verifiable information or documentation to
37 establish that the person against whom the enforcement
38 actions have been taken is not the person named in the
39 support order or judgment. The claim shall be filed on a
40 form established by the Judicial Council that shall specify,

1 immediately above the signature line, that the filing of a
2 false claim shall be punishable as a misdemeanor. A copy
3 of the claim form shall be date stamped by the office of
4 the district attorney and shall be returned to the claimant.

5 (c) The district attorney shall immediately investigate
6 any claim of mistaken identity and shall resolve the claim
7 within 30 days unless exceptional circumstances prevent
8 a resolution within that time. The district attorney shall
9 provide the claimant with a written statement of the
10 district attorney's conclusions, or a statement explaining
11 the exceptional circumstances that have delayed the
12 district attorney's conclusions and an estimated date
13 when conclusions will be reached, within that 30-day
14 period.

15 (d) If the district attorney determines that a claim
16 filed pursuant to this section is meritorious, or if the court
17 enters an order pursuant to Section 11356.5, the district
18 attorney shall immediately take the steps necessary to
19 terminate all enforcement activities with respect to the
20 claimant, to return to the claimant any assets seized, to
21 terminate any levying activities or attachment or
22 assignment orders, and to ensure that all other
23 enforcement agencies and entities cease further actions
24 against the claimant. With respect to a claim filed under
25 this section, the district attorney shall also provide the
26 claimant with a statement certifying that the claimant is
27 not the support obligor named in the support order or
28 judgment, which statement shall be prima facie evidence
29 of the claimant's identity in any subsequent enforcement
30 proceedings or actions with respect to that support order
31 or judgment.

32 (e) If the district attorney rejects a claim pursuant to
33 this section, or if the district attorney, after finding a claim
34 to be meritorious, fails to take any of the remedial steps
35 provided in subdivision (d), the claimant may file an
36 action with the superior court to establish his or her
37 mistaken identity or to obtain the remedies described in
38 subdivision (d), or both. If the claimant is the prevailing
39 party in that action, he or she shall be entitled, in addition
40 to the relief described in subdivision (d), to recover

1 actual damages, according to proof, his or her attorneys'
2 fees and costs, and any other relief as the court, in its
3 discretion, deems just. Liability under this subdivision
4 shall not be limited by the provisions of Chapter 1
5 (commencing with Section 814) of Division 3.6 of Title 1
6 of the Government Code.

7 (f) Filing a false claim pursuant to this section shall be
8 a misdemeanor.

9 (g) The Judicial Council shall develop forms for use
10 pursuant to this section.

11 (h) This section shall become operative on April 1,
12 2000.

13 SEC. 21. Section 11475.17 is added to the Welfare and
14 Institutions Code, to read:

15 11475.17. In any case in which any governmental
16 agency, or any subdivision or department thereof, issues
17 a notice of support delinquency, that notice shall state on
18 its face the date on which the delinquency was calculated.

19 SEC. 22. Section 11478.3 is added to the Welfare and
20 Institutions Code, to read:

21 11478.3. The notice described in subdivision (c) of
22 Section 11478.2 shall also advise the person requesting
23 services or on whose behalf services have been requested
24 that the district attorney or Attorney General shall accept
25 service of process on behalf of that person in any
26 subsequent proceedings commenced by the support
27 obligor to modify, terminate, or set aside the support
28 order.

29 SEC. 23. No reimbursement is required by this act
30 pursuant to Section 6 of Article XIII B of the California
31 Constitution for certain costs that may be incurred by a
32 local agency or school district because in that regard this
33 act creates a new crime or infraction, eliminates a crime
34 or infraction, or changes the penalty for a crime or
35 infraction, within the meaning of Section 17556 of the
36 Government Code, or changes the definition of a crime
37 within the meaning of Section 6 of Article XIII B of the
38 California Constitution.

39 However, notwithstanding Section 17610 of the
40 Government Code, if the Commission on State Mandates

1 determines that this act contains other costs mandated by
2 the state, reimbursement to local agencies and school
3 districts for those costs shall be made pursuant to Part 7
4 (commencing with Section 17500) of Division 4 of Title
5 2 of the Government Code. If the statewide cost of the
6 claim for reimbursement does not exceed one million
7 dollars (\$1,000,000), reimbursement shall be made from
8 the State Mandates Claims Fund.

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